IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1892 OF 2005
WITH
CRIMINAL WRIT PETITION NO. 1895 OF 2005
WITH
CRIMINAL WRIT PETITION NO. 1896 OF 2005

M/s.Micro Plantae Ltd.& Anr. ..Petitioners

Vs.

M/s.Fortis Financial
Services Ltd. & Ors. ..Respondents

...
Mr.S.V.Marwadi Advocate for Petitioners
Mr.Rajesh More, A.P.P. for the State
...

CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : AUGUST 17,2005

P.C.

1. Heard the learned advocate for the petitioners and the learned A.P.P. for the State.

2. The petitioners are seeking quashing of proceedings relating to Criminal Case Nos.1106/S/2002, 1111/S/2002 and 4407/S/2002 which are pending before the learned Spl.Metropolitan

Magistrate, Small Causes Court, R.No.25. In the said cases, the process has been issued against the petitioners under Section 138 r.w. 141 of Negotiable Instruments Act. The learned advocate for the petitioners submitted that the learned Magistrate committed an error in issuing process and the said process deserves to be set aside. If the process issued against the petitioners is set aside, the proceedings in respect of the petitioners, would come to an end.

3. However, for the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, I am of the opinion that the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer the necessary revision before the concerned

Sessions Court. The learned advocate for the petitioners makes a statement that the necessary revision will be preferred within four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks from today.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Writ Petitions are disposed of.

[V.K.TAHILRAMANI,J.]